

Amendments to the Drawings:

The attached sheets of drawings correct reference numeral 2 and add reference numeral 10. These sheets replace the original sheets including FIGS. 1-2.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

Remarks

I. Introduction

Upon entry of the present amendment, claims 20-21 and 23-40 will be pending in this application. Claims 39 and 40 have been amended to clarify certain aspects of the invention. A marked up drawing showing the maximum section in Figure 7, recited by new claim 40, is included for ease of reference. No new matter has been added. Based on the following remarks, Applicant respectfully requests reconsideration and allowance of the pending claims.

II. Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) and 37 CFR 1.83(a) because they do not include oronasal face piece 10. New drawings are submitted making appropriate corrections.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters “4a”, “4b”, “4c”, “4d”, and “4b” have all been used to designate “part.” The specification has been amended to clarify the descriptions for the “parts.” It is believed that these amendments address the Examiner’s objections.

III. Specification

The Examiner has objected to the specification as not having headings. The amendments to the specification submitted with this response are believed to address the Examiner’s concerns.

IV. Claim Objections

Claim 22 is objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 22 has been cancelled without prejudice.

V. 35 U.S.C. § 112

The Examiner has rejected claims 20-38 under 35 U.S.C. § 112, second paragraph, as being indefinite. Regarding claim 20, the Examiner objects to the use of the term “means” as an attempt to use a “means” clause to recite a claim element as a means for performing a specified function. Without acquiescing to the Examiner’s position, Applicant has changed the term “means” to “system.”

Regarding claims 35-38, the Examiner states that Applicant’s use of the word “part” without specific explanation beyond function language of the differences between each “part” of the hygienic protection means does not provide Examiner with a clear understanding of what is being claimed. Appropriate correction has been made because the specification has been amended to clarify the descriptions for the “parts.” It is believed that these amendments address the Examiner’s objections.

VI. 35 U.S.C. § 103

The Examiner has rejected claims 20-35 and 38 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,372,130 to Stern in view of U.S. Patent No. 3,757,777 to Kaufman. The Examiner states that Stern discloses the claimed invention, but admits that it does not expressly disclose the cooperation between the second part and the semi-flexible lip to be elastic. The Examiner cites Kaufman as teaching a dual part filter medium for

providing filtering to the first part and a sealing edge on the second part. The Examiner's position is that the combination of these two references would result in the elastic connection of the second part and the sealing edge as both portions are made of plastic and that it would have been obvious to one having ordinary skill in the art to modify the device of Stern to include a dual part filter medium as taught by Kaufman to provide additional sealing means of the mask to the user. Applicant respectfully traverses this rejection and requests reconsideration and withdrawal thereof.

Without acquiescing to the Examiner's position, Applicant has amended claim 20 to recite that the second part is radially expansible and cooperates with an internal groove of the oronasal face piece. Support for this amendment appears in the specification at least at page 6, lines 26-28; page 1, line 37; and the Figures. Specifically, page 1, line 37 of the specification describes the second part as cooperating elastically with the semi-flexible lip 6, and the semi-flexible lip is now recited as returning toward the oronasal face price to form an internal groove, support for which appears in the specification at page 6, lines 26-28 and Figures 1-4 and 6. Although shown specifically in Figure 6, it can also be seen in Figure 1-4 that the semi-flexible lip has an internal groove, and that part 4 b cooperates with the internal groove. It directly follows that the second part expands radially to cooperate with the semi-flexible lip.

Applicant has also added new claim 39, reciting a lip insulation part located over an external area of the semi-flexible lip and a lip securing part located outside the oronasal face piece that exerts a compressing pressure on the oronasal face piece in order to maintain the

hygienic protection system on the oronasal face piece. Support for this amendment appears in the specification at least at page 6, line 30 to page 7, line 27; and page 9, lines 1-11, as well as the Figures. Specifically, Figure 6 shows parts 4c (the lip insulation part) and 4b' (the lip securing part) and how they cooperate together. The specification describes the compressing force of the outer lip part 4b' at page 9.

None of the cited references disclose these features. In particular, the inner filter 16 disclosed in Stern does not cooperate with an internal groove of the main housing 12. The inner filter 16 of Stern is pre-attached directly to the valve section 98, and the valve section 98 is mounted in the housing 12 to be maintained (col. 8, lines 4-12, 48-62). Accordingly, the inner filter 16 is not directly and elastically maintained on the main housing 12, and Stern thus does not disclose the presently-claimed features.

Stern also does not disclose the features of new claim 39, which recites that the lip securing part is located *outside* the oronasal face piece and exerts a compressing pressure on the oronasal face piece. This feature is not taught or disclosed by Stern or Kaufman, nor the combination thereof.

At least because the above-discussed independent claims have been shown to be patentable over the cited art, the claims that depend therefrom should also be considered patentable for at least the above reasons.

CONCLUSION

For at least the above reasons, Applicant respectfully requests allowance of the pending claims and issuance of a patent containing these claims in due course. If the Examiner believes there are any issues that can be resolved via a telephone conference, or there are any informalities that can be corrected by an Examiner's amendment, please call Kristin Crall at 404.815.6147.

Respectfully submitted,

/Kristin M. Crall 46,895/

Kristin M. Crall
Reg. No. 46,895

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia, 30309-4530
404.815.6147

ANNOTATED SHEET SHOWING CHANGES

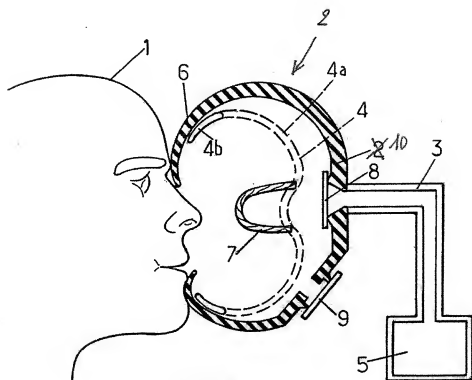


FIG. 1.

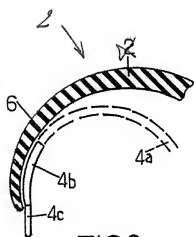


FIG. 2.

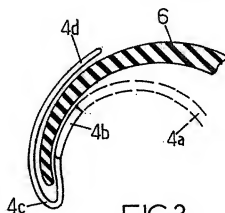


FIG. 3.

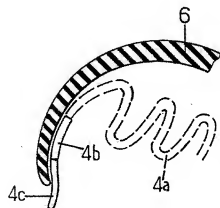


FIG. 4.